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Attorney's Docket 008312-0304515
Client Reference: T7KK-02S1189

JUN 30 2005

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re PATENT APPLICATION of:
KIKITSU et al.

Confirmation No: 4947

Application No.: 10/607,570

Group Art Unit: 1773

Filed: June 27, 2003

Examiner: Bernatz, Kevin M.

Title: MAGNETIC RECORDING MEDIUM AND MAGNETIC
RECORDING/REPRODUCING APPARATUS

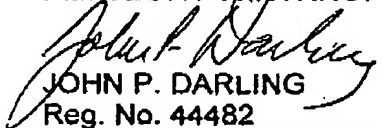
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

**CERTIFICATION OF FACSIMILE TRANSMISSION
UNDER 37 C.F.R. §1.8**

I hereby certify that the following papers are being transmitted by
facsimile to **Examiner Kevin M. Bernatz** at the Patent and Trademark Office
at (703) 872-9306 on the date shown below:

- Transmittal
- Reply to Restriction Requirement

PILLSBURY WINTHROP SHAW PITTMAN LLP


JOHN P. DARLING
Reg. No. 44482
Tel. No.: (703) 905-2045
Fax No.: (703) 905-2500

P.O. Box 10500
McLean, VA 22102
Tel. No.: (703) 905-2000

Date: June 30, 2005

TOTAL NUMBER OF PAGES IN FACSIMILE: 7

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REPLY TO RESTRICTION REQUIREMENT TRANSMITTAL

Transmitted herewith is an amendment/response for this application.

FEES

The fee for claims and extension of time (37 C.F.R. 1.16 and 1.17) has been calculated as shown below:

	CLAIMS REMAINING AFTER AMENDMENT	HIGHEST NO. PREVIOUSLY PAID FOR	PRESENT EXTRA	RATE	ADDIT. FEE
TOTAL	32	- 32	= 0	x \$ 50.00	= \$ 0.00
INDEP.	4	- 4	= 0	x \$ 200.00	= \$ 0.00
FIRST PRESENTATION OF MULTIPLE DEP. CLAIM				+ \$ 360.00	= \$ 0.00
TOTAL ADDITIONAL CLAIM FEE					\$ 0.00
GRAND TOTAL					\$ 0.00


KIKITSU et al. - - 10/607,570
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FEE PAYMENT

Authorization is hereby made to charge the amount of \$0.00 to Deposit Account No. 033975. Charge any additional fees required by this paper or credit any overpayment in the manner authorized above. A duplicate of this paper is attached.

Date: June 30, 2005

PILLSBURY WINTHROP SHAW PITTMAN LLP
P.O. Box 10500
McLean, VA 22102
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RECORDING/REPRODUCING APPARATUS**REPLY TO RESTRICTION REQUIREMENT**Commissioner for Patents
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Sir:

In reply to the Office Action dated June 9, 2005, Applicants hereby provisionally elect Group I, claims 1-30 and 32, drawn to a magnetic recording medium and a magnetic recording and reproducing apparatus. Applicants further elect Species Number 30, drawn to a parallel orientation of recording layers of the configuration M4/M2/M1. These elections are made with traverse.

It is respectfully submitted that the criteria for a proper Restriction Requirement between patentably distinct inventions set forth in MPEP §803 has not been satisfied. In particular, it is respectfully submitted that the search and examination of the entire application can be made without a serious burden. MPEP §803 states: "If the search and examination of an entire application can be made without serious burden, the examiner must examine it on the merits, even though it includes claims to independent or distinct inventions."

It is respectfully noted that the class definitions for class 428, subclass 694TM, explicitly direct a search in class 360. Accordingly, it is respectfully submitted that the search for Group I necessarily includes the search for Group II. It is also respectfully noted that the requirement for restriction would result in the withdrawal of only one of the 32 pending claims. As the search for the 31 claims in Group I would necessarily include and

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require the search for the one claim in Group II, it is respectfully submitted that the search and examination of the entire application can be made without serious burden.

In addition, Applicants respectfully submit that the search and examination of Species Number 30 would necessarily include the search and examination of at least Species 31-33, 35, 36, 38, 39, 48, 49, 53 and 55, as the same interlayers, M4/M2/M1, is common to all of these species. It is also respectfully noted that claims 7, 17 and 28 recite the common interlayers M4/M2/M1. Remaining dependent claims 8-16, 18-27 and 29 depend from claims 7, 17 and 28, respectfully. Therefore, it is respectfully submitted that the search and examination of the listed species may be performed without a serious burden.

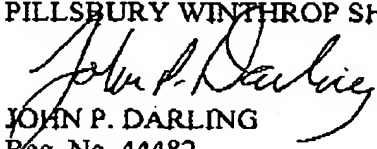
It is also respectfully submitted that upon the allowance of a generic claim, Applicants will be entitled to rejoinder of the remaining species claims. As the Office Action has identified claims 1-6, 27 and 30 as generic, and as claims 7, 17, and 28, at least, read on the elected species, it is respectfully submitted that the search and examination of these species may be performed without a serious burden.

It is also respectfully submitted that the Restriction Requirement should be withdrawn in order to prevent duplicative examination by the Patent Office and unnecessary expense to Applicants.

Reconsideration and withdrawal of the Restriction Requirement are respectfully requested.

Respectfully submitted,

PILLSBURY WINTHROP SHAW PITTMAN LLP



JOHN P. DARLING

Reg. No. 44482

Tel. No. (703) 905-2045

Fax No. (703) 905-2500

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